

WASHINGTON STATE EXECUTIVE ETHICS BOARD
2425 Bristol Court SW – 1st Floor Conference Room 148 – Olympia, WA

April 8, 2005
Regular Meeting Minutes---Amended

A. Preliminary Business

1. Roll Call

The regular meeting of the Washington State Executive Ethics Board (EEB) was called to order by Vice Chair Trish Akana at 9:15 AM. Present were Members Marilee Scarbrough, Judy Golberg and Chair Paul Zellinsky, participating by telephone. Member Evelyn Yenson arrived at 10:00. Board staff in attendance included: Executive Director Susan Harris, Senior Assistant Attorney General Linda Moran, Investigator Sue Jones, and AAG Mike Tribble.

2. Approval of Agenda

Members Scarbrough moved, Zellinsky seconded to approve the agenda. MOTION carried.

3. Approval of March 11, 2005 Minutes

Member Golberg asked that the word "recorder" be stricken from her name.

Member Akana asked that language be included to indicate that under section E 1, language be added to indicate that she and Interim Director Kent Nakamura met with Mark Baldwin with the Governor's policy staff to discuss the effects of HB 1806 on the Ethics in Public Service Act. In addition, in the section relating to the letter to the Governor, language should be included that explains the three concerns of the Board.

Member Akana also asked that it be noted in the minutes that California did not respond to staff's request for information.

In the section relating to HB 2809, Member Akana asked that language be included to indicate that the board does not have a similar interpretation as the Legislative Ethics Board---it does allow buy-downs or the splitting of the cost of an item valued at more than \$50 among several individuals so that the cost per person giving the gift is less than \$50.

Members Akana and Golberg asked that information should be added to reflect that the board accepted the stipulations for Meeks and Newcomb.

Member Scarbrough moved and Chair Zellinsky seconded to approve the March 11, 2005 Regular Meeting Minutes as amended. MOTION carried.

B. Staff Reports

1. Legislative Update

Ms. Harris updated the members on legislation affecting the Board.

HB 2089, which would have changed the gift limit to \$75, and SB 6026, which would have extended the board member term limits to 10 years both failed to pass.

HB 1806 and SB 5811, the ethical transfer of technology bill, passed both the House and Senate and is on its way to the Governor's office for signing.

HB 1944 pertaining to raffles has passed out of the House and is on the Senate Floor.

HB 1051 and SB 5046, modifying provisions governing ethics complaints, has passed both the House and Senate and is on its way to the Governor's office for signing.

Budget: the Governor's version and Senate's version of the budget includes an additional 1.5 FTE's for the board. The Speaker of the House's version, not yet passed by the House, also includes the 1.5 FTE's.

Member Akana asked about the letter to the Governor relating to HB 1806 that was discussed during the March 11, 2005 board meeting. Ms. Moran stated that after the meeting, she and Mr. Nakamura discovered that the board does not have the authority to lobby, and the letter as drafted constituted lobbying. The proposed solution for the future would be to promulgate a rule or request a statutory change which would define lobbying under Chapter 42.52 RCW to not include contact with the Governor or legislative staff, in person or in writing, to ask questions, give advice or provide information relating to legislation which has an impact on the EEB's program and statute.

Chair Zellinsky stated that rule making was easier and quicker. He also believed that a letter should still be sent to the Governor now that legislation has passed. Member Golberg suggested the letter be in the form of questions. Member Scarbrough said the letter should indicate the board's willingness to meet with the Governor's representatives assist with the development of ethics rules for the university employees. Ms. Harris will draft the letter for the Chair's signature.

2. Case Statistics

Staff briefed the board members on the status of current cases.

C. Public Comment/Board Member Comment

It was noted that Brian Jensen from DIS and Sherry Ammerman from the Health Care Authority were present.

D. Work Session

Ms. Harris discussed the Board's Strategic Plan with the members. Highlights of the discussion were:

1. Publish Advisory Opinions, Final Orders, Agreed-upon Stipulations on the website in their entirety;
2. The strategic plan prioritization will remain as-is;
3. Brochures and other training tools for the public as well as board members will be designed;
4. Ms. Harris will contact King County Board of Ethics, Seattle Ethics and Elections Commission, the Legislative Ethics Board and the Public Disclosure Commission to see if any are interested in co-hosting an ethics conference;
5. Ms. Harris will contact DOP about ethics training;
6. The advisory group will be reestablished;
7. A CD will be developed to include all training materials;
8. Investigations will be streamlined in order to reduce the current backlog.
 - i. A penalty guideline document will be developed;
 - ii. A policy will be developed for executive director dismissals (without conducting full investigations into "minor and inadvertent" complaints);
 - iii. Possibly look for a legislative "fix" on State Auditor Office Whistleblower complaints and how the information is transmitted to the EEB investigators;
9. A flow chart showing the relationship between the Board and the Attorney General's Office and a memo of understanding regarding the relationship will be developed;
10. A retreat will be scheduled for July so that the Board can discuss potential legislation and other topics of interest.

E. Executive or Closed Session

At 11:55 am the Board moved into Executive Session to receive and evaluate complaints against public employees or officers with staff and Board counsel in attendance.

F. Miscellaneous Matters/Adjournment

The Board returned to public session at 12:15 p.m. and there being no miscellaneous matters, the meeting was adjourned.